

Appl. No. : 10/695,269
Filed : October 28, 2003

COMMENTS

In response to the Office Action mailed March 9, 2005, Applicant respectfully requests the Examiner to reconsider the above-captioned application in view of the foregoing amendments and the following comments.

Matters of Form

Applicant respectfully disagrees with the Examiner's rejection of Claims 37-42 under 35 U.S.C. 112, second paragraph, with respect to the word "nozzle". The definition of nozzle is a "projecting part with an opening, as at the end of a hose, for regulating and directing a flow of fluid." *The American Heritage® Dictionary of the English Language, Fourth Edition*. This definition is consistent with an inlet or an outlet and with known devices which utilize "nozzles" as inlets and outlets. Nevertheless, to advance prosecution, Applicant has amended Claim 37 and replaced the terms "first gas nozzle" and "second gas nozzle" with "inlet" and "outlet" respectively. This amendment does not narrow the scope of Claim 37.

Claim rejections

Claims 37-41 stand rejected under 35 U.S.C. 103(a) as unpatentable over Soininen (WO 96/17106) in view of Toole (USPN 4,167,915). Claim 42 stands rejected under 35 U.S.C. 103(a) as unpatentable over Soininen in view of Toole and in further view of Rangarajan (USPN 6,444,038). Applicant respectfully disagrees with the rejection of these claims. Nevertheless, to advance prosecution, Applicant has amended Claim 37 as outlined below. Applicant reserves the right to pursue Claims 37-42 in their original or similar form in a continuing application.

As amended, Claim 37 recites, in part, an assembly that comprises "a first container having an opening and containing liquid or solid reactant matter; a second container having a gas tight container wall enclosing the first container and defining a gas space around the first container; at least one inlet in the container wall of the second container for feeding gas into the gas space; and at least one outlet in the container wall of the second container for withdrawing reactant vaporized from the first container and collected in the gas space; wherein the opening of the first container opens into the gas space enclosed by the second container and around the first container."

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In contrast, Soininen discloses an assembly that includes a pressure shell 1 with solid material sources S1-S8 in the interior of the pressure shell. *Figure 1 and page 11, lines 10-17*. Soininen further discloses leaks at joints between larger and smaller pipes at undisclosed locations within the shell. *Page 9, lines 1-20*. Protective gas is fed into the reaction volume to lower the leak rates. *Id.* In rejecting Claim 37, the Examiner apparently equates the feeding of protective gas into the reaction volume with the inlets and outlets in the container walls for feeding and withdrawing reactant vaporized in the first container as recited in Claim 37.

Toole discloses an enclosed reaction chamber 12 that is positioned within a housing 5 that provides a pressure chamber 6. *Col. 3, lines 1-15*. Inert gas is introduced in the space between the pressure chamber 6 and the enclosed reaction chamber 12 to equalize the pressures in the chambers 6 and 12. *Id.* The pressure chamber 5 is provided with a discharge passage 22, which is connected to a vent line 68. *Col. 3, lines 17-20 and Figure 1*.

Thus, neither Soininen nor Toole disclose an assembly “wherein the opening of the first container opens into the gas space enclosed by the second container and around the first container” as recited in amended Claim 37. “To establish a prima facie obviousness of a claimed invention, all the claim limitations must get taught or suggested in the prior art. *MPEP 2143.03*. For at least this reason, Applicant submits that Claim 37 is in condition for allowance. Claims 38-41 are also in condition for allowance because, *inter alia*, they depend upon allowable Claim 37.

With respect to Claim 42, the Examiner states that it would have been obvious to use a mechanical filter as a vaporizer in the apparatus of Soininen for the desirable purpose of preventing unvaporized particles from reaching the coating chamber of Soininen. However, as amended, Claim 37 recites, in part, “wherein the opening of the first container opens into the gas space enclosed by the second container and around the first container.” And, Claim 42 recites, in part, “wherein the opening of the first container is covered with a mechanical filter to remove impurities from gas vaporized from the liquid or solid matter contained therein.”

With respect to Soininen, there is no disclosure of what becomes of the “protective gas” supplied to the reaction volume surrounding the pipes. Thus, there is no suggest or motivation for providing a filter on an opening of the first container that opens into the gas

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space. In a similar manner, in Toole, the gas in the space between the reaction chamber 12 and the pressure chamber 6 is discharged to a vent line 68. Therefore, there is again no suggestion or motivation for providing a filter on the gas supplied to this space. A *prima facie* case of obviousness requires that "there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings." *M.P.E.P.* 2143. For at least this reason, Applicant submits that Claim 42 is also in condition for allowance.

New Claims

Applicant has added new Claims 43 and 44. These claims depend upon allowable Claim 37 and, for at least this reason, these claims are also in condition for allowance.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney in order to resolve such issue promptly.

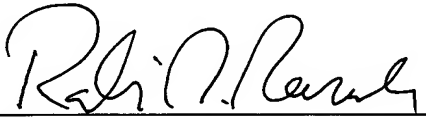
Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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